

EXHIBIT I

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

Robert P. Lesko

Karen D. Peck

33 Washington Street

Newark, New Jersey 07102-3017

(973) 624-0800 ph.

(973) 624-0799 fx.

Attorneys for Plaintiff, American General Life Insurance Company

AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY
: DOCKET NO: OCN-L-001954-10

Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Defendants.

: **AFFIDAVIT OF KAREN D. PECK, ESQ.**
: **IN SUPPORT OF AMERICAN GENERAL**
: **LIFE INSURANCE COMPANY'S**
: **MOTION TO RESTORE COMPLAINT AS**
: **AGAINST THE C. FINK FAMILY TRUST**

I, Karen D. Peck, being of full age and duly sworn according to law and upon my
oath hereby depose and say:

1. I am an attorney-at-law admitted to practice before the courts in the State
of New Jersey and before this Court. I am an associate of the law firm Wilson, Elser,
Moskowitz, Edelman & Dicker, attorneys for plaintiff American General Life Insurance
Company ("American General"). I make this Affidavit in Support of American
General's Motion to Restore the Complaint as Against the C. Fink Family Trust ("the
Trust").

Introduction

2. The Notice of Dismissal for Lack of Prosecution as against the C. Fink
Family Trust should be vacated pursuant to R. 1:13-7 for good cause due to the existence
of exceptional circumstances which have made American General's service of the

Complaint on Zalmen Landau ("Landau"), as Trustee of the Trust extremely challenging. Specifically, American General has encountered great difficulty in locating and serving Landau.¹

3. Subsequent to the Court's issuance of the December 3rd Notice of Dismissal as against the Trust, American General obtained Landau's current address and immediately made arrangements for personal service upon Landau. Landau was served on December 20, 2010 pursuant to R.4:4-4(b)(1)(C) via certified mail and ordinary mail.²

4. Service on the Trust has now been properly effectuated by virtue of service on Landau, as Trustee. Therefore, the Complaint should be restored as against the Trust.³

American General's Additional Efforts to Advance the Litigation

5. American General notes that, in an effort to make additional advancements to this litigation, it filed Requests for Entry of Default as to Defendant Israel Biller and Defendant Chaim Fink on December 17, 2010.

**American General Has Encountered Great Difficulty
in Locating and Serving Landau**

6. As described in American General's submission of November 29th to the Court in response to the Notice to Dismiss for Lack of Prosecution, American General

¹ American General respectfully notes that it previously detailed the exceptional circumstances surrounding service on Zalmen Landau in its November 29th response to the Notice of Dismissal for Lack of Prosecution issued on October 1, 2010 (See American General's November 29th submission, attached hereto as Exhibit A).

² American General will file the Affidavits of Service promptly upon receipt.

³ Pursuant to N.J. Court Rules, R. 4:4-4(a)(5), service upon an "unincorporated association" is proper when made upon a "managing agent." N.J. Court Rules, R. 4:4-4(a)(5); *see also United States v. Cowan*, 2007 U.S. Dist. LEXIS 96403 (D. Haw. 2007) ("service on a trust is proper by personally serving its trustee with the summons and a copy of the complaint"). As such, service upon a Trust (as an unincorporated entity) is properly effectuated by serving the Trustee as the Trust's "managing agent."

encountered great difficulty in locating Landau. (See American General's November 29th submission, attached hereto as **Exhibit 1**).

7. Prior to the initiation of the present lawsuit, counsel for American General conducted a search, which revealed that Landau does not reside at the Trust address on record with American General.

8. As such, counsel for American General conducted an additional search, which revealed several possible addresses for Zalmen Landau in Brooklyn, New York. Counsel enlisted the assistance of a private investigator in order to locate and serve Landau.

9. Despite diligent effort and inquiry, personal service could not be made on Landau in the state of New Jersey. (See attached Affidavit of Diligent Inquiry, pursuant to R. 4:4-5(c), attached hereto as **Exhibit 2**).

10. On August 17, 2010, our private investigator attempted to effectuate service on Zalmen Landau pursuant to R.4:4-4(b)(1)(C) via certified mail and ordinary mail at 1178 59th Street, Apt 1-T, Brooklyn, NY 11219-4999, after several unsuccessful attempts at personal service. (See Affidavit of Service, attached hereto as **Exhibit 3**).

11. Meanwhile, Landau had submitted additional premium payments to American General on the subject Policy subsequent to the initiation of the lawsuit. The Policy has been rescinded as per the lawsuit; therefore, American General immediately prepared a premium refund check, made payable to Zalmen Landau as Trustee of the C. Fink Family Trust.

12. Counsel for American General sent a letter dated August 17, 2010 to Mr. Landau at 1178 59th Street, Apt 1-T, Brooklyn, NY 11219-4999 advising that we are in

possession of the premium refund check and advising that the premium will be returned because the Policy has been rescinded as per the lawsuit. As we had not yet confirmed Mr. Landau's address, we did not enclose the premium check. The letter further requested that Mr. Landau refrain from submitting additional premium payments on the Policy. (See August 17th letter to Zalmen Landau, attached hereto as **Exhibit 4**).

13. In response to the August 17th letter, we received communications from an attorney for one Solomon Landau, advising that Zalmen Landau does not reside at 1178 59th Street, Apt 1-T, Brooklyn, NY 11219-4999. Mr. Solomon Landau has since provided an Affidavit confirming that he has no connection to the present lawsuit (See Affidavit of Solomon Landau, attached hereto as **Exhibit 5**).

14. Subsequently, our private investigator identified 1425 51st Street, Apt #B-7, Brooklyn, NY, 11219 as a second possible residential address for Zalmen Landau. On October 25, 2010, after several unsuccessful attempts at personal service, our private investigator attempted to effectuate service on Zalmen Landau at this address pursuant to R.4:4-4(b)(1)(C) via certified mail and ordinary mail. (See Affidavit of Service, attached hereto as **Exhibit 6**).

15. Zalmen Landau recently submitted another premium payment on the Policy. American General has since issued a second premium refund check, which we intend to hold in our possession until we can confirm Zalmen Landau's whereabouts.

16. In a further attempt to obtain information leading to Zalmen Landau's whereabouts, American General attempted to serve a subpoena for documents upon HSBC, the bank where the account from which premium payments have been made is held. (See subpoena *duces tecum* to HSBC, attached hereto as **Exhibit 7**). The account

holder is identified as "C Fink Family Trust" on the premium checks submitted to American General. Presumably, Zalmen Landau, as trustee, is the contact person for this account.⁴

17. Subsequent to American General's November 29th submission to the Court, counsel for American General received notification that American General had been served with a complaint filed by Landau, as Trustee of the C. Fink Family Trust, in New York state court ("the New York Action"). The New York Action was filed on November 4, 2010 and involves the same Policy at issue in the present action.

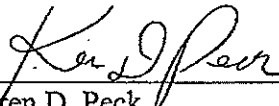
18. Accordingly, American General made arrangements to serve Landau at the address it obtained from the New York Action pleadings: 626 Wythe Place, Apt. 4C, Brooklyn, NY 11211.

19. American General's first attempt at personal service on Landau at 626 Wythe Place was unsuccessful. However, on December 20, 2010, American General's private investigator effectuated service on Landau at both apartment 4C and apartment 4L via certified mail and ordinary mail pursuant to R. 4:4-4(b)(1)(C). (see Certification of Counsel, attached hereto as **Exhibit 8**, for a detailed account of the foregoing).

WHEREFORE, in consideration of the foregoing, American General respectfully requests that this Court restore the Complaint as against the C. Fink Family Trust.


Dated: December 21, 2010

⁴ American General was recently notified by the process server that the first attempt at service of the subpoena was not successful. However, American General does not intend to make a second attempt of service of the subpoena at this time, due to recent events that have revealed Landau's present residential address (see ¶ 12-14).



Karen D. Peck

Sworn to before me this
21 day of December, 2010



Notary Public
Andrew F. Bain
Attorney at Law - NJ

Exhibit 1

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

33 Washington Street, Newark, NJ 07102-3017

Tel: 973.624.0800 Fax: 973.624.0808

*Albany • Baltimore • Boston • Chicago • Dallas • Garden City • Houston • Las Vegas • London • Los Angeles • Louisville • McLean
Miami • Newark • New York • Orlando • Philadelphia • San Diego • San Francisco • Stamford • Washington, DC • White Plains*

Limited Liability Partnership of NY

Affiliates: Berlin • Cologne • Frankfurt • Medoa City • Munich • Paris

JAMES CRAWFORD ORR
WILLIAM J. KINA
THOMAS F. QUINN
BARBARA FOPKINSON KELLY
CAROLYN E. O'CONNOR
KENDRICK M. BRODIN
DANIEL Y. FLORES
WILLIAM P. KRAUSE
MICHAEL J. MCGHIGG
JOSEPH A. GALLO
ROBERT A. BERLIN
MARTIN W. KRAUSE
KELLY A. WATERS
COLIN P. BACKETT
BRIAN J. WHITEHEAD
SIRAN KARLOVICH
MATTHEW S. MABORSKY

KEVIN C. DOROVAN
JAMES R. REISBERGER
JOSEPH T. HANLON
ROBERT LEEKO
RENE E. HERMAN
ROBERT T. GUNDMAN
GREGORY A. KAHN
ADAM J. KOTIS
MAXWELL L. DELER

OF COUNSEL
ROBERT C. NEFF, JR.
JOHN P. O'TOOLE
SUNIL LEE
CHRISTOPHER W. MCKENNAHAN
LINDA K. BATH
TARA BUCCA

www.wilsonelser.com

JOANNA FIDREK
KURT H. DZUGAY
GAIL CALABRIA
JOHN W. WILLIAMS
SHAWN S. MCGREGOR
KIM M. CONNOR
ADAM S. PEDNICH
PETER A. SWIFT
ERIC T. EVANS
GREGORY T. FOOTE
JULIE VON BREYEN
MICHAEL L. TRUCILLO
MATTHEW BRODERICK

BRUCE W. MOODY, JR.
MICHAEL L. SOLOMON
DANIEL E. ZEMSKY
C. TY HOUYEN
JESSICA BERENSON
KATHERINE POTTER
MELESA D. LAMDAU
KAREN D. PECK
JOHN W. ROESER
ROBERT GTELJMAN
STEPHANE KURFU
ILLIAN ACKERMAN

November 29, 2010

KEITH Q. VON CLAIN (1953-2007)

Via Federal Express Overnight Delivery

Hon. Judge Joseph L. Foster
Ocean County Superior Court
Courthouse
118 Washington Street
Toms River, New Jersey 08754

Re: *American General Life Insurance Company v. Chaim Fink, et al*
Our File No.: 07478.0617

Dear Judge Foster:

As your Honor is aware, this firm represents Plaintiff, American General Life Insurance Company ("American General") in connection with the above referenced matter. American General writes in response to a Dismissal Notice for Lack of Prosecution dated October 1, 2010.

Dismissal of this matter is unwarranted because American General has made consistent and ongoing efforts to advance this litigation. As discussed in greater detail below, American General has encountered significant difficulty in locating and serving most of the defendants in this matter. In fact, American General has been working with a private investigator on a regular basis in order to locate and serve the defendants. Moreover, the defendants whom we were able to locate and serve have failed to respond to the Complaint and are therefore in default.

Defendant Zalmen Landau, as Trustee of the C. Fink Family Trust

Zalmen Landau's residential address is not in the possession of American General. Therefore, we conducted an independent investigation prior to the initiation of the present lawsuit, which revealed several possible addresses for Zalmen Landau in Brooklyn, New York.

Hon. Judge Joseph L. Foster
November 29, 2010
Page 2

On August 17, 2010, our private investigator effectuated service on Zalmen Landau via "nail and mail" service at 1178 59th Street, Apt 1-T, Brooklyn, NY 11219-4999, after several unsuccessful attempts at personal service. (See Affidavit of Service, attached hereto as Exhibit A)

Meanwhile, Landau had submitted additional premium payments to American General on the subject Policy subsequent to the initiation of the lawsuit. The Policy has been rescinded as per the lawsuit; therefore, American General immediately prepared a premium refund check, made payable to Zalmen Landau as Trustee of the C. Fink Family Trust. Counsel for American General sent a letter dated August 17, 2010 to Mr. Landau at 1178 59th Street, Apt 1-T, Brooklyn, NY 11219-4999 advising that we are in possession of the premium refund check and advising that the premium will be returned because the Policy has been rescinded as per the lawsuit. As we had not yet confirmed Mr. Landau's address, we did not enclose the premium check. The letter further requested that Mr. Landau refrain from submitting additional premium payments on the Policy. (See August 17th letter to Zalmen Landau, attached hereto as Exhibit B)

In response to the August 17th letter, we received communications from an attorney for one Solomon Landau, advising that Zalmen Landau does not reside at 1178 59th Street, Apt 1-T, Brooklyn, NY 11219-4999. Mr. Solomon Landau has since provided an Affidavit confirming that he has no connection to the present lawsuit (See Affidavit of Solomon Landau, attached hereto as Exhibit C).

Subsequently, our private investigator identified 1425 51st Street, Apt #B-7, Brooklyn, NY, 11219 as a second possible residential address for Zalmen Landau. On October 25, 2010, after several unsuccessful attempts at personal service, our private investigator effectuated service on Zalmen Landau at this address via "nail and mail" service. (See Affidavit of Service, attached hereto as Exhibit D)

Zalmen Landau recently submitted another premium payment on the Policy. American General has since issued a second premium refund check, which we intend to hold in our possession until we can confirm Zalmen Landau's whereabouts.

To date, we have received no communications from Zalmen Landau or on behalf of Zalmen Landau. Our private investigator's investigation of other possible residential addresses of Zalmen Landau is ongoing. Additionally, in a further attempt to obtain information leading to Zalmen Landau's whereabouts, American General served a subpoena for documents upon HSBC, the bank where the account from which premium payments have been made is held. (See subpoena *duces tecum* to HSBC, attached hereto as Exhibit E). The account holder is identified as "C Fink Family Trust" on the premium checks submitted to American General. Presumably, Zalmen Landau, as trustee, is the contact person for this account.

Hon. Judge Joseph L. Foster
November 29, 2010
Page 3

Defendant Chaim Fink

On September 8, 2010, our private investigator served Chaim Fink via nail and mail service at his residential address of 626 Wythe Place #4-5, Brooklyn, NY 11211, after multiple attempts at personal service. (See Affidavit of Service, attached hereto as Exhibit F).

Fink never confirmed his receipt of the certified mail from the September 8, 2010 nail and mail service. When our private investigator determined that Fink had returned to his apartment after having seemingly been away for several weeks, our investigator returned and gave his card to Fink's neighbor to pass to Fink. Again, Fink failed to make contact. Therefore, on October 25, 2010, we again served Chaim Fink via nail and mail service at his residential address of 626 Wythe Place #4-5, Brooklyn, NY 11211. (See Affidavit of Service, attached hereto as Exhibit G).

To date, we have received no communications from Chaim Fink or on behalf of Chaim Fink. Mr. Fink is in default, and American General intends to file a motion for default judgment in the near future.

Defendant Israel Biller

Israel Biller was served via personal service on July 6, 2010 at his residential address of 215 E 5th Street, Lakewood, New Jersey. (See Affidavit of Service, attached hereto as Exhibit H).


To date, we have received no communications from Israel Biller or on behalf of Israel Biller. Mr. Biller is currently in default and American General intends to file a motion for default judgment in the near future.

As evidenced by the foregoing, American General has made a good faith effort to prosecute this matter and will continue to do so. As such, American General respectfully submits that dismissal of this matter for lack of prosecution is unwarranted.

We are available to discuss this matter further at your Honor's convenience. We thank the Court for its attention to this matter.

Respectfully,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP


Robert P. Lesko

RPL:kdp
Encls.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

1071638.1


**Shipment Receipt
Address Information**

Ship to:	Ship from:
Hon. Judge Joseph L. Foster	Karen D. Peck
Ocean County Superior Court	Wilson Elser Moskowitz et al
118 WASHINGTON ST	33 Washington Street, 17th Floor
COURTHOUSE	
TOMS RIVER, NJ	Newark, NJ
08753-7626	07102
US	US
732-929-4706	9736240800

Shipping Information

Tracking number: 794158242974
 Ship date: 11/29/2010
 Estimated shipping charges: 8.14

Package Information

Service type: Standard Overnight
 Package type: FedEx Envelope
 Number of packages: 1
 Total weight: 1LBS
 Declared value: 0.00USD
 Special Services:
 Pickup/Drop-off: Use an already scheduled pickup at my location

Billing Information

Bill transportation to: Wilson Elser 113512148-148
 Your reference: 07478.00617
 P.O. no.:
 Invoice no.:
 Department no.:

Thank you for shipping online with FedEx ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intangible value of the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Wilson Elser must be filed within 90 days of the date of loss. Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

Exhibit A

Affidavit of Service

AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY
: DOCKET NO:

Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Defendants.

SUMMONS

State of New York, County of New York. ss.:

I Wanda Corsino,, being duly sworn, deposes and says that deponent is not a party to the action or proceeding, is over 18 years of age and resides at 765 Riverside Dr. New York, NY 10032

That on August 17, 2010, at 8:57 a.m. at 1178 59th Street, Apt. 1-T Brooklyn, NY 11219 Deponent, Wanda Corsino, served the Summons by affixing a true copy of each to the door of said premises, 1178 59th Street, Apt.1-T, Brooklyn, NY, which is defendant's, Zalmen Landau's, dwelling place, within the state.

Within 20 days of such affixing, deponent enclosed a copy of Summons in a postpaid envelope properly addressed to Zalmen Landau at last known residence, at 1178 59th Street, Apt. 1-T Brooklyn, NY 11219-4999 on August 17, 2010 and deposited said envelope in an official depository under exclusive care and custody of the U.S. postal service within New York State. One envelope was deposited in regular mail and one envelope was deposited in certified mail with return receipt.

The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

Sworn to before me on 31st August 2010

Notary Public

EDNA CARTER
Notary Public, State of New York
No. 01CA6092386
Qualified in Bronx County
Commission Expires May 27, 2011

Wanda Corsino

0991309

Exhibit B

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

33 Washington Street, Newark, NJ 07102-3017

Tel: 973.624.0800 Fax: 973.624.0808

Albany • Baltimore • Boston • Chicago • Dallas • Garden City • Houston • Las Vegas • London • Los Angeles • McLean
Miami • Newark • New York • Orlando • Philadelphia • San Diego • San Francisco • Stamford • Washington, DC • White Plains
Limited Liability Partnership of NY

Affiliates: Berlin • Cologne • Frankfurt • Mexico City • Munich • Paris

JAMES CLAWFORD ORR
WILLIAM J. REINA
THOMAS F. QUINN
BARBARA ROBINSON KELLY
CAROLYN E. O'CONNOR
KENNETH M. BROWN
DANIEL F. FLORES
WILLIAM F. KRAUSS
MICHAEL A. HAUGHTON
MARTIN I. SULLIVAN
JOSEPH A. GALLO
ROBERT A. BECK
KURT W. KRAUSS
KELLY A. WATERS
COLIN F. HACKETT
BRIAN J. WHITEMAN
SUSAN KARLOVICH

MATTHEW S. MAHONEY
KEVIN C. DOROVAN
JAMES S. REBERGER
JOSEPH T. HANLON
ROBERT LESKO
RENEE I. SHERMAN
ROBERT T. GUNNERS
GREGG S. KAHN
ADAM J. KAPIS
MAXWELL L. BILLEX

OF COUNSEL
ROBERT C. NEFF, JR.
JOHN P. O'TOOLE
JUNA LEE
CHRISTOPHER W. MCCLEANAHAN
LINDA K. SMITH

www.wilsonelser.com

JOANNA FRIEDK
KURT H. DZUGAY
GINA CALABRIA
JOHN W. WILLIAMS
SHAWN S. MCGEEVER
KIM M. CONNOR
ADAM S. FERNICH
JOHN L. SHOTTER
PETER A. SWET
ERIC T. EVANS
GREGORY T. FOOTE
JULIE VON BEVERN
MICHAEL L. TRULLIO

MATTHEW RODENRICK
BRUCE W. MCCOY, JR.
MICHAEL L. SOLOMON
DENISE D. PACCONE
DANIEL E. ZENASKY
C. TY NGUYEN
JESSICA WERNER
KATHERINE POTTER
MELESA D. LANDAU
KAREN D. PECK
JOHN W. ROCKER
ROBERT OTTELMAN
STEPHANIE RUFO

August 17, 2010

KEITH G. VON GLAUF (1932-2007)

Via First Class Mail and Federal Express Overnight Delivery

Zalmen Landau, as Trustee of the C. Fink Family Trust
1178 59th Street, Apt 1-T
Brooklyn, NY 11219-4999

Re: *American General Life Insurance Company v. Chaim Fink, et al*
Our File No.: 07478.0617
Docket No.: L-1954-10

Dear Mr. Landau:

This firm represents plaintiff American General Life Insurance Company ("American General") in connection with the above referenced matter in which American General seeks, among other things, a declaration that Flexible Premium Adjustable Life Policy UI0061721L ("the Policy") issued by American General to the Trust in the amount of \$8,000,000 and insuring the life of Chaim Fink is void *ab initio*. It has come to the company's attention that one or more premium payments have been tendered in connection with the Policy since the commencement of the lawsuit. We have in our possession a check issued by American General in the amount of \$100,200, made payable to you as Trustee of the C Fink Family Trust ("the Trust") representing a refund of said premium payments.

Please acknowledge your receipt of this letter, and please confirm your residential address immediately. We will forward the premium refund check to you upon receipt of your acknowledgment of this letter and confirmation of your address.

In the interim, please refrain from submitting any further premium payments on the Policy. In the event that any defendant or any other person or entity does render or has rendered payment of premium to American General, or any related entity while the litigation is pending, American General may, at its sole option, return the premium payment to the payor or retain the premium payment without prejudice to and without waiver of or estoppel against any of its

Zalmen Landau, as Trustee of the C. Fink Family Trust
August 17, 2010
Page 2

rights, claims, and/or defenses asserted or to be asserted in connection with the litigation. American General will hold any such premiums as an offset of costs, fees, and/or damages pending the ultimate outcome of the litigation.

Furthermore, please disregard any notice or communication issued by American General concerning the Policy, premiums due, lapse, or reinstatement while the litigation is pending.

Thank you for your attention to this matter.

Very truly yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP


Karen D. Peck

KDP/kdp

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

1027410.1

Exhibit C

AFFIDAVIT

1178 - 59th Street
Brooklyn, New York 11219

STATE OF NEW YORK)
)ss:
COUNTY OF KINGS)

SOLOMON LANDAU, being sworn, deposes and says:

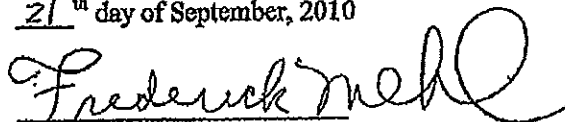
I reside at 1178-59 Street, Brooklyn, New York, 11219.

I certify that I am not a Trustee to an entity named Fink Family Trust, nor
have I ever had relationship to such entity.



SOLOMON LANDAU

Sworn to before me this
21th day of September, 2010

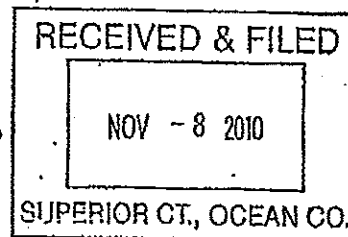


NOTARY PUBLIC
Frederick Mehl
Notary Public
State of New York
Reg #244736787
Qualified in Kings County
Comm. Exp. June 30, 2011

Exhibit D

Affidavit of Service

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
Robert P. Lesko
33 Washington Street
Newark, New Jersey 07102-3017
(973) 624-0800 ph.
(973) 624-0799 fx.
Attorneys for Plaintiff, American General Life Insurance Company



AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY
: DOCKET NO:

Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Defendants,

Affidavit of Service by Hand Delivery

State of New York, County of New York. ss.:

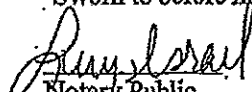
I, Joseph F. O'Brien, being duly sworn, deposes and says that the deponent is not a party to the action or proceeding, is over 18 years of age and resides at 345 E. 80th St., New York, NY 10075.

That on October 25, 2010 at 4:40 p.m. at 1425 51st St. apartment B-7, Brooklyn, NY 11219, Deponent, served the Summons by affixing a true copy of each to the door of said premises, 1425 51st St. apartment B-7, Brooklyn, NY, which is defendant's, Zalmen Landau's, dwelling place, within the state. Deponent, Joseph F. O'Brien, was unable, with due diligence to find this defendant or a person of suitable age and discretion, thereat, having attempted service there twice on September 15th, 2010 and again on September 16th, 2010.

Within 20 days of such affixing, deponent enclosed a copy of Summons in a postpaid envelope properly addressed to Zalmen Landau at last known residence, at 1425 51st St. apartment B-7, Brooklyn, NY 11219-3616 on November 2, 2010 and deposited said envelope in an official depository under exclusive care and custody of the U.S. postal service within New York State. One envelope was deposited in regular mail and one envelope was deposited in certified mail with return receipt requested.

The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

Sworn to before me on November 3, 2010


Notary Public

LUCY ISRAEL
Notary Public, State of New York
No. 0151616423
Qualified in Bronx County
Commission Expires March 28, 2011

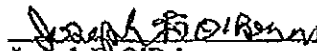

Joseph P. O'Brien
NYS Licensed
Private Investigator
ID: 1100073130

Exhibit E

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

Robert P. Lesko
33 Washington Street
Newark, New Jersey 07102-3017
(973) 624-0800 ph.
(973) 624-0799 fx.

Attorneys for Plaintiff, American General Life Insurance Company

AMERICAN GENERAL LIFE INSURANCE COMPANY,

Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY TRUST, ZALMEN LANDAU, as Trustee of the C. FINK FAMILY TRUST, ISRAEL BILLER, and JOHN DOES 1-10.

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY
DOCKET NO:**

**SUBPOENA DUCES TECUM
AD TESTIFICANDUM**

STATE OF NEW JERSEY:

**TO: HSBC
c/o The Corporation Trust Co.
820 Bear Tavern Road
West Trenton, NJ 08628
ATTN: Custodian of Records**

YOU ARE HEREBY COMMANDED TO ATTEND and give testimony at a deposition upon oral examination at the time and place set forth below.

Place: Your deposition will be conducted at the offices of Wilson, Elser, Moskowitz, Edelman and Dicker, 33 Washington St., Newark, NJ 07102-3017.

Time: Your deposition will take place on Monday, December 8, 2010 starting at 10:00 a.m.

YOU ARE HEREBY FURTHER COMMANDED TO BRING WITH YOU AND PRODUCE AT THE SAME TIME AND PLACE THE FOLLOWING:

All documents in your possession custody or control that in any manner refer to, relate to or concern: (1) Checking Account No. 671757512; and (2) any and all financial

accounts of any nature or description, including but not limited to, any credit account, charge account, loan account, checking account, savings account, money market account, investment account, retirement account, and the like in which

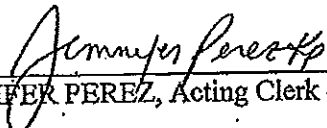
- (1) The C Fink Family Trust; and/or
- (2) Zalmen Landau

is or was an account holder or owner, either individually or jointly, at any time during the period commencing May 1, 2008, through and including the present.

NO APPEARANCE IS REQUIRED IF YOU AGREE TO PRODUCE THE DOCUMENTS REQUESTED IN THE SUBPOENA AND YOU EXECUTE THE ENCLOSED CERTIFICATION OF AUTHENTICITY ON DECEMBER 8, 2010

Pursuant to New Jersey Rule of Court 4:14-7(c), the subpoenaed materials shall not be produced or released until the return date of the Subpoena, December 8, 2010, and if you are notified that a motion to quash this subpoena has been filed, you shall not produce or release the subpoenaed materials until ordered to do so by the Court or the release of those materials is consented to by all parties to the action.

Failure to appear according to the command of this Subpoena will subject you to a penalty, damages in a Civil Suit and punishment for contempt of Court.


JENNIFER PEREZ, Acting Clerk of the Superior Court

Dated: November 22, 2010

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

Robert P. Lesko
33 Washington Street
Newark, New Jersey 07102-3017.
(973) 624-0800 ph.
(973) 624-0799 fx.

Attorneys for Plaintiff, American General Life Insurance Company

AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY
: DOCKET NO:

Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Defendants.

CERTIFICATION OF AUTHENTICITY

1. I, _____, am employed by HSBC as
_____.

2. In compliance with the Subpoena *Duces Tecum* served upon HSBC by counsel for plaintiff American General Life Insurance Company in the above captioned matter, I attach hereto copies of documents responsive to that Subpoena. The documents have been marked with numbers _____ through _____ (inclusive).

3. A careful search for records responsive to the Subpoena was made by me or under my direction. The records were reproduced at my direction.

4. The attached documents are true and accurate copies of original records maintained by HSBC in the ordinary course of business. It is the regular business practice of HSBC to maintain such records.

I certify that the foregoing statements are true. I understand that if the foregoing statements are willfully false, I am subject to punishment.

Name

Title

DATED: _____, 2010

Exhibit F

Affidavit of Service

AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY
: DOCKET NO:

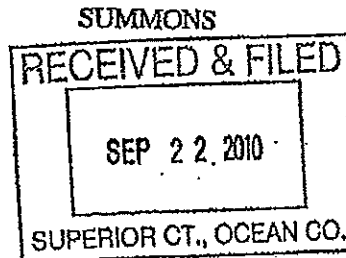
Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Defendants.

State of New York, County of New York ss.:



I Wanda Corsino,, being duly sworn, deposes and says that deponent is not a party to the action or proceeding, is over 18 years of age and resides at 765 Riverside Dr. New York, NY 10032.

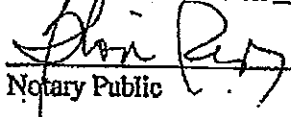
That on September 8, 2010, at 6:45 a.m. at 626 Wythe Place # 4-L Brooklyn, NY 11211 Deponent, Wanda Corsino, served the Summons by affixing a true copy of each to the door of said premises, 626 Wythe Place # 4-L Brooklyn, NY 11211 which is defendant's, Chaim Fink, dwelling place, within the state.

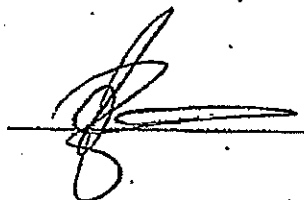
Deponent was unable, with due diligence to find this defendant or a person of suitable age and discretion, thereat, having attempted service on 9/1/ 2010 at 9:05 am , 9/6/010 at 8:00 pm and 9/8/2010 at 6:45 am, 2010 .

Within 20 days of such affixing, deponent enclosed a copy of Summons in a postpaid envelope properly addressed to Chaim Fink at last known residence, at 626 Wythe Place # 4-L Brooklyn, NY 1121 on September 13th, 2010 and deposited said envelope in an official depository under exclusive care and custody of the U.S. postal service within New York State. One envelope was deposited in regular mail and one envelope was deposited in certified mail with return receipt.

The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

Sworn to before me on September 14, 2010


Notary Public

 Wanda Corsino

GLORIA RAMOS
Notary Public, State of New York
No. 01RA5061928
Qualified in New York County
Commission Expires June 17, 2014

Exhibit G

Affidavit of Service

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

Robert P. Lesko

33 Washington Street

Newark, New Jersey 07102-3017

(973) 624-0800 ph.

(973) 624-0799 fx.

Attorneys for Plaintiff, American General Life Insurance Company

AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY

Plaintiff,

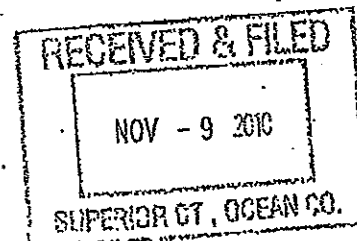
vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Defendants.

: DOCKET NO:

Affidavit of Service by Hand Delivery



State of New York, County of New York. ss.:

I, Joseph F. O'Brien, being duly sworn, deposes and says that the deponent is not a party to the action or proceeding, is over 18 years of age and resides at 345 E. 80th St, New York, NY 10075.

That on October 25, 2010 at 5:45 p.m. at 626 Wythe Place apartment 4L, Brooklyn, NY 11211-6981, Deponent, served the Summons by affixing a true copy of each to the door of said premises, 626 Wythe Place, Brooklyn, NY; which is defendant's, Chaim Fink's, dwelling place, within the state. Deponent, Joseph F. O'Brien, was unable, with due diligence to find this defendant or a person of suitable age and discretion, thereat, having attempted service there twice on September 13th, 2010 and again on September 14th, 2010.

Within 20 days of such affixing, deponent enclosed a copy of Summons in a postpaid envelope properly addressed to Chaim Fink at last known residence, at 626 Wythe Place apartment 4L, Brooklyn, NY 11219-3616 on November 2, 2010 and deposited said envelope in an official depository under exclusive care and custody of the U.S. postal service within New York State. One envelope was deposited in regular mail and one envelope was deposited in certified mail with return receipt requested.

The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

Sworn to before me on November 3, 2010

Lucy Israel
Notary Public

LUCY ISRAEL
Notary Public, State of New York
No. 0156183423
Qualified in Bronx County
Commission Expires March 26, 2011

Joseph F. O'Brien
Joseph F. O'Brien
NYS Licensed
Private Investigator
ID: 1100073130

Exhibit H

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP
Robert P. Lesko
33 Washington Street
Newark, New Jersey 07102-3017
(973) 624-0800 ph.
(973) 624-0799 fx.
Attorneys for Plaintiff, American General Life Insurance Company

AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY
: DOCKET NO:

Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Defendants.

SUMMONS

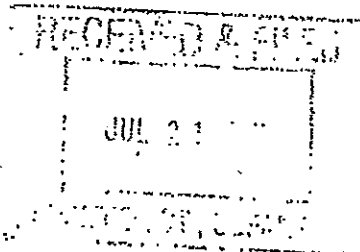
FROM THE STATE OF NEW JERSEY
TO THE ABOVE NAMED DEFENDANT(S):

Israel Biller
215 E 5th Street
Lakewood, NJ

The Plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) A \$135.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

1012251.1



If you cannot afford an attorney, you may call the Legal Services office in the county where you live, or the county in which the action is pending. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling the Lawyer Referral Service in the county where you live, the county in which the action is pending, or if there is none, the Lawyer Referral Service of an adjacent county. A list of these numbers is also provided. If you are not a resident of this State you should call the Legal Service or Lawyer Referral Service of the county in which the action is pending.

/s/ Jennifer M. Perez
Jennifer M. Perez
Acting Clerk of the Superior Court

DATED: June 28, 2010

Name/Address of Defendant to be Served: Israel Biller
215 E 5th Street
Lakewood, NJ

PROOF OF SERVICE

On July 6, 2010, I the undersigned, being over the age of 18, served the within Summons by delivering a copy thereof to the person named therein and by tendering to such person the attendance fee of \$ — and mileage of \$ — as allowed by law.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Address of Service:

74 Winger Ct
Lake wood, N.I

Dated: 7/6, 2010

Ken Catlow

RECEIVED & FILED

JUL 21 2010

U.S. DISTRICT COURT

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

Robert P. Lesko
 Karen D. Peck
 33 Washington Street
 Newark, New Jersey 07102-3017
 (973) 624-0800 ph.
 (973) 624-0799 fx.

Attorneys for Plaintiff, American General Life Insurance Company

AMERICAN GENERAL LIFE INSURANCE COMPANY,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: OCEAN COUNTY
	:	DOCKET NO: OCN-L-001954-10
Plaintiff,	:	
vs.	:	
	:	AFFIDAVIT OF
	:	DILIGENT INQUIRY
CHAIM FINK, the C. FINK FAMILY TRUST, ZALMEN LANDAU, as Trustee of the C. FINK FAMILY TRUST, ISRAEL BILLER, and JOHN DOES 1-10.	:	
Defendants.	:	

I, Karen D. Peck, being of full age and duly sworn according to law and upon my oath hereby depose and say:

1. I am an attorney-at-law admitted to practice before the courts in the State of New Jersey and before this Court. I am an associate of the law firm Wilson, Elser, Moskowitz, Edelman & Dicker, attorneys for plaintiff American General Life Insurance Company ("American General"). I make this Affidavit of Diligent Inquiry pursuant to R. 4:4-4(b)(1) and R. 4:4-5 regarding service on Defendant Zalmen Landau, as Trustee of the C. Fink Family Trust ("Landau").

2. Prior to the initiation of the present lawsuit, counsel for American General conducted a search, which revealed several possible residential addresses for Landau in the state of New York.

3. American General's search further revealed that Landau does not own a home in New Jersey or property in New Jersey.

4. There were no additional reasonable steps that American General could have taken to serve Landau within the state of New Jersey.

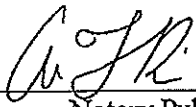
5. Accordingly, American General arranged for service on Landau in the state of New York.

Dated: December 21, 2010



Karen D. Peck

Sworn to before me this
21 day of December, 2010



Notary Public
Andrew F. Bain
Attorney at Law - NJ

Affidavit of Service

AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY
: DOCKET NO:

Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Defendants.

SUMMONS

State of New York, County of New York. ss.:

I Wanda Corsino,, being duly sworn, deposes and says that deponent is not a party to the action or proceeding, is over 18 years of age and resides at 765 Riverside Dr. New York, NY 10032

That on August 17, 2010, at 8:57 a.m. at 1178 59th Street, Apt. 1-T Brooklyn, NY 11219 Deponent, Wanda Corsino, served the Summons by affixing a true copy of each to the door of said premises, 1178 59th Street, Apt.1-T, Brooklyn, NY, which is defendant's, Zalmen Landau's, dwelling place, within the state.

Within 20 days of such affixing, deponent enclosed a copy of Summons in a postpaid envelope properly addressed to Zalmen Landau at last known residence, at 1178 59th Street, Apt. 1-T Brooklyn, NY 11219-4999 on August 17, 2010 and deposited said envelope in an official depository under exclusive care and custody of the U.S. postal service within New York State. One envelope was deposited in regular mail and one envelope was deposited in certified mail with return receipt.

The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

Sworn to before me on 31st August 2010

Notary Public

ERNA CARTER
Notary Public, State of New York
No. 01CA6082385
Qualified in Bronx County
Commission Expires May 27, 2011

Wanda Corsino

0991309

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

33 Washington Street, Newark, NJ 07102-3017

Tel: 973.624.0800 Fax: 973.624.0808

Albany • Baltimore • Boston • Chicago • Dallas • Garden City • Houston • Las Vegas • London • Los Angeles • McLean
Miami • Newark • New York • Orlando • Philadelphia • San Diego • San Francisco • Stamford • Washington, DC • White Plains
Limited Liability Partnership of NY

Affiliates: Berlin • Cologne • Frankfurt • Mexico City • Munich • Paris

JAMES CRAWFORD ORR
WILLIAM J. RENA
THOMAS F. QUINN
BARBARA HOPKINSON KELLY
CAROLYN F. O'CONNOR
KENNETH H. BROWN
DANIEL F. FLORES
WILLIAM P. KLAUS
MICHAEL I. NAUGHTON
MARTIN I. SULLIVAN
JOSEPH A. GALLO
ROBERT A. BERNS
KURT W. KLAUS
KELLY A. WATERS
COLIN A. HACKETT
BRIAN J. WHITEMAN
SUZAN KARLOVICH

MATTHEW A. MAHONEY
KEVIN C. DOROVAN
JAMES S. REIDINGER
JOSEPH T. HANLON
ROBERT LESKO
RENEE A. SHERMAN
ROBERT T. CHANGING
GREGG S. KAHN
ADAM J. JONES
MAXWELL L. BALEX
OF COUNSEL
ROBERT G. HOFF, JR.
JOHN P. O'TOOLE
SUNIL K.
CHRISTOPHER W. MACLAUGHAN
LINDA K. SMITH

www.wilsonelser.com

JOANNA FIOREK
KURT H. DELBAY
GINA CALABRIA
JOHN W. WILLIAMS
SHAWN S. MCGEEBOOK
KIM M. CONNOR
ADAM S. FENNOCH
JOHN L. SHUTTER
PETER A. SWIFT
ERIC T. EVAN
GREGORY T. POOTE
JULIE VON BEVERN
MICHAEL L. TRUCILLO

MATTHEW BRIDGER
BRUCE W. MCCOY, JR.
MICHAEL L. SOLOMON
RENEE D. MAGNONE
DANIEL R. DEMOSKY
C. TY MOYER
JESSICA BERMAN
KATHERINE POTTER
MELESA D. LANDAU
KAREN D. PECK
JOHN W. ROSEER
ROBERT OTTELMAN
STEPHANIE RUFFO

August 17, 2010

KETH G. VON CLAFIN (102-207)

Via First Class Mail and Federal Express Overnight Delivery

Zalmen Landau, as Trustee of the C. Fink Family Trust
1178 59th Street, Apt 1-T
Brooklyn, NY 11219-4999

Re: *American General Life Insurance Company v. Chaim Fink, et al*
Our File No.: 07478.0617
Docket No.: L-1954-10

Dear Mr. Landau:

This firm represents plaintiff American General Life Insurance Company ("American General") in connection with the above referenced matter in which American General seeks, among other things, a declaration that Flexible Premium Adjustable Life Policy U10061721L ("the Policy") issued by American General to the Trust in the amount of \$8,000,000 and insuring the life of Chaim Fink is void *ab initio*. It has come to the company's attention that one or more premium payments have been tendered in connection with the Policy since the commencement of the lawsuit. We have in our possession a check issued by American General in the amount of \$100,200, made payable to you as Trustee of the C Fink Family Trust ("the Trust") representing a refund of said premium payments.

Please acknowledge your receipt of this letter, and please confirm your residential address immediately. We will forward the premium refund check to you upon receipt of your acknowledgment of this letter and confirmation of your address.

In the interim, please refrain from submitting any further premium payments on the Policy. In the event that any defendant or any other person or entity does render or has rendered payment of premium to American General, or any related entity while the litigation is pending, American General may, at its sole option, return the premium payment to the payor or retain the premium payment without prejudice to and without waiver of or estoppel against any of its

1027410.1

Zalmen Landau, as Trustee of the C. Fink Family Trust
August 17, 2010
Page 2

rights, claims, and/or defenses asserted or to be asserted in connection with the litigation. American General will hold any such premiums as an offset of costs, fees, and/or damages pending the ultimate outcome of the litigation.

Furthermore, please disregard any notice or communication issued by American General concerning the Policy, premiums due, lapse, or reinstatement while the litigation is pending.

Thank you for your attention to this matter.

Very truly yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP


Karen D. Peck

KDP/kdp

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

1027410.1

AFFIDAVIT

1178 - 59th Street
Brooklyn, New York 11219

STATE OF NEW YORK)
)ss:
COUNTY OF KINGS)

SOLOMON LANDAU, being sworn, deposes and says:

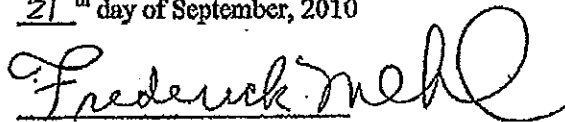
I reside at 1178-59 Street, Brooklyn, New York, 11219.

I certify that I am not a Trustee to an entity named Fink Family Trust, nor
have I ever had relationship to such entity.



SOLOMON LANDAU

Sworn to before me this
21th day of September, 2010



NOTARY PUBLIC

Frederick Mehl

Notary Public

State of New York

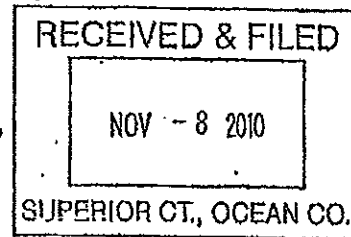
Reg #244736787

Qualified in Kings County

Comm. Exp. June 30, 2011

Affidavit of Service

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP
Robert P. Lesko
33 Washington Street
Newark, New Jersey 07102-3017
(973) 624-0800 ph.
(973) 624-0799 fx.
Attorneys for Plaintiff, American General Life Insurance Company



AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY
: DOCKET NO:

Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Affidavit of Service by Hand Delivery

Defendants,

State of New York, County of New York. ss.:

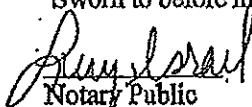
I, Joseph F. O'Brien, being duly sworn, deposes and says that the deponent is not a party to the action or proceeding, is over 18 years of age and resides at 345 E. 80th St., New York, NY 10075.

That on October 25, 2010 at 4:40 p.m. at 1425 51st St. apartment B-7, Brooklyn, NY 11219, Deponent, served the Summons by affixing a true copy of each to the door of said premises, 1425 51st St. apartment B-7, Brooklyn, NY, which is defendant's, Zalmen Landau's, dwelling place, within the state. Deponent, Joseph F. O'Brien, was unable, with due diligence to find this defendant or a person of suitable age and discretion, thereat, having attempted service there twice on September 15th, 2010 and again on September 16th, 2010.

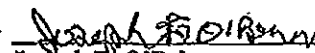
Within 20 days of such affixing, deponent enclosed a copy of Summons in a postpaid envelope properly addressed to Zalmen Landau at last known residence, at 1425 51st St. apartment B-7, Brooklyn, NY 11219-3616 on November 2, 2010 and deposited said envelope in an official depository under exclusive care and custody of the U.S. postal service within New York State. One envelope was deposited in regular mail and one envelope was deposited in certified mail with return receipt requested.

The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

Sworn to before me on November 3, 2010


Notary Public

LUCY ISRAEL
Notary Public, State of New York
No. 01916103423
Qualified in Bronx County
Commission Expires March 28, 2011


Joseph F. O'Brien
NYS Licensed
Private Investigator
ID: 1100073130

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

Robert P. Lesko

33 Washington Street

Newark, New Jersey 07102-3017

(973) 624-0800 ph.

(973) 624-0799 fx.

Attorneys for Plaintiff, American General Life Insurance Company

AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION; OCEAN COUNTY

: DOCKET NO:

Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

SUBPOENA DUCES TECUM
AD TESTIFICANDUM

Defendants.

STATE OF NEW JERSEY:

TO: HSBC
c/o The Corporation Trust Co.
820 Bear Tavern Road
West Trenton, NJ 08628
ATTN: Custodian of Records

YOU ARE HEREBY COMMANDED TO ATTEND and give testimony at a
deposition upon oral examination at the time and place set forth below.

Place: Your deposition will be conducted at the offices of Wilson, Elser,
Moskowitz, Edelman and Dicker, 33 Washington St., Newark, NJ 07102-3017.

Time: Your deposition will take place on **Monday, December 8, 2010** starting at
10:00 a.m.

**YOU ARE HEREBY FURTHER COMMANDED TO BRING WITH YOU AND
PRODUCE AT THE SAME TIME AND PLACE THE FOLLOWING:**

All documents in your possession custody or control that in any manner refer to,
relate to or concern: (1) Checking Account No. 671757512; and (2) any and all financial

accounts of any nature or description, including but not limited to, any credit account, charge account, loan account, checking account, savings account, money market account, investment account, retirement account, and the like in which

(1) The C Fink Family Trust; and/or

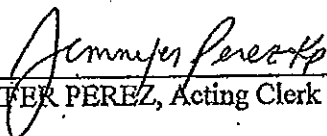
(2) Zalmen Landau

is or was an account holder or owner, either individually or jointly, at any time during the period commencing May 1, 2008, through and including the present.

NO APPEARANCE IS REQUIRED IF YOU AGREE TO PRODUCE THE DOCUMENTS REQUESTED IN THE SUBPOENA AND YOU EXECUTE THE ENCLOSED CERTIFICATION OF AUTHENTICITY ON DECEMBER 8, 2010

Pursuant to New Jersey Rule of Court 4:14-7(c), the subpoenaed materials shall not be produced or released until the return date of the Subpoena, December 8, 2010, and if you are notified that a motion to quash this subpoena has been filed, you shall not produce or release the subpoenaed materials until ordered to do so by the Court or the release of those materials is consented to by all parties to the action.

Failure to appear according to the command of this Subpoena will subject you to a penalty, damages in a Civil Suit and punishment for contempt of Court.


JENNIFER PEREZ, Acting Clerk of the Superior Court

Dated: November 22, 2010

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

Robert P. Lesko

33 Washington Street

Newark, New Jersey 07102-3017.

(973) 624-0800 ph.

(973) 624-0799 fx.

Attorneys for Plaintiff, American General Life Insurance Company

AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY
: DOCKET NO:

Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Defendants.

CERTIFICATION OF AUTHENTICITY

1. I, _____, am employed by HSBC as
_____.

2. In compliance with the Subpoena *Duces Tecum* served upon HSBC by counsel for plaintiff American General Life Insurance Company in the above captioned matter, I attach hereto copies of documents responsive to that Subpoena. The documents have been marked with numbers _____ through _____ (inclusive).

3. A careful search for records responsive to the Subpoena was made by me or under my direction. The records were reproduced at my direction.

4. The attached documents are true and accurate copies of original records maintained by HSBC in the ordinary course of business. It is the regular business practice of HSBC to maintain such records.

I certify that the foregoing statements are true. I understand that if the foregoing statements are willfully false, I am subject to punishment.

Name

Title

DATED: _____, 2010

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

Robert P. Lesko

Karen D. Peck

33 Washington Street

Newark, New Jersey 07102-3017

(973) 624-0800 ph.

(973) 624-0799 fx.

Attorneys for Plaintiff, American General Life Insurance Company

AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY

Plaintiff,

vs.

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Defendants.

: DOCKET NO: OCN-L-001954-10

: **CERTIFICATION OF COUNSEL IN**
: **SUPPORT OF AMERICAN GENERAL**
: **LIFE INSURANCE COMPANY'S**
: **MOTION TO RESTORE COMPLAINT AS**
: **AGAINST THE C. FINK FAMILY TRUST**

Karen D. Peck, of full age, hereby certifies as follows:

1. I am an attorney-at-law admitted to practice before the courts in the State of New Jersey and before this Court. I am an associate of the law firm Wilson, Elser, Moskowitz, Edelman & Dicker, attorneys for plaintiff American General Life Insurance Company ("American General").

2. In that regard, I am fully familiar with the facts set forth herein and make this Certification in support of American General's Motion to Restore Complaint as Against the C. Fink Family Trust.

3. The following is an account of American General's recent attempts to serve Landau, based on counsel for American General's communications with private investigator Joe O'Brien ("O'Brien").

4. On Saturday, December 18, 2010, O'Brien attempted to serve Landau at 626 Wythe Place, Apt. 4C, Brooklyn, NY 11211.¹ The women who answered the door of apartment 4C advised O'Brien that Landau did not live there and directed O'Brien to apartment 4L.

5. Apartment 4L is the home of defendant Chaim Fink.

6. O'Brien knocked on the door of apartment 4L, but no one answered.

7. O'Brien later returned to apartment 4L. After much knocking, a woman, who refused to identify herself, answered the door, and advised that Chaim Fink was "not available."

8. O'Brien heard male voices and believed that Landau was in the apartment. When questioned as to whether Landau was in the apartment, the woman who answered the door did not respond.

9. The woman would not engage in further conversation with O'Brien and would not answer the door when O'Brien continued to knock.

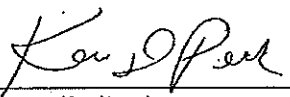
10. As such, on December 20, 2010, O'Brien effectuated service on Landau at both apartment 4C and apartment 4L via certified mail and ordinary mail pursuant to R. 4:4-4(b)(1)(C).²

The foregoing statements made by me are true. I am aware that if any of the foregoing statements are made by me are willfully false, I am subject to punishment.

¹ American General obtained this address from a complaint filed by Landau, as Trustee of the C. Fink Family Trust, in New York state court ("the New York Action") on November 4, 2010. The New York Action and involves the same Policy at issue in the present action.

² American General will file Affidavits of Service promptly upon receipt.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
Attorneys for Plaintiff, American General Life Insurance Company

By: 
Karen D. Peck

Dated: December 21, 2010

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

Robert P. Lesko

Karen D. Peck

33 Washington Street

Newark, New Jersey 07102-3017

(973) 624-0800 ph.

(973) 624-0799 fx.

Attorneys for Plaintiff, American General Life Insurance Company

AMERICAN GENERAL LIFE INSURANCE : SUPERIOR COURT OF NEW JERSEY
COMPANY, : LAW DIVISION: OCEAN COUNTY
: DOCKET NO: L-001954 10

Plaintiff,

vs.

CERTIFICATION OF SERVICE

CHAIM FINK, the C. FINK FAMILY
TRUST, ZALMEN LANDAU, as Trustee of
the C. FINK FAMILY TRUST, ISRAEL
BILLER, and JOHN DOES 1-10.

Defendants.

I hereby certify one (1) copy of Plaintiff American General Life Insurance

Company's Motion to Restore Complaint as against the C. Fink Family Trust was served

upon:

The C. Fink Family Trust
c/o Zalmen Landau, as Trustee of the C. Fink Family Trust
626 Wythe Place
Apt 4C
Brooklyn, NY 11211

The C. Fink Family Trust
c/o Zalmen Landau, as Trustee of the C. Fink Family Trust
626 Wythe Place
Apt 4C
Brooklyn, NY 11211

via first class mail on December 21, 2010.



Karen D. Peck

DATED: December 21, 2010